



## United States Department of the Interior

FISH AND WILDLIFE SERVICE  
South Florida Ecological Services Office  
1339 20<sup>th</sup> Street  
Vero Beach, Florida 32960



July 12, 2005

Lawrence C. Evans  
Chief, Regulatory Division  
U.S. Army Corps of Engineers  
P.O. Box 4970  
Jacksonville, Florida 32232-0019

**RECEIVED**

**JUL 20 2005**

**JACKSONVILLE DISTRICT  
USACE**

Attn: Stuart L. Santos

Dear Mr. Evans:

This letter acknowledges the Fish and Wildlife Service's (Service) June 20, 2005, receipt of your June 16, 2005, letter requesting concurrence on the U.S. Army Corps of Engineers' (Corps) implementation of the revised Manatee Key and its attachments dated July 2005. This letter represents the Service's views on the potential effects of the proposed action in accordance with section 7 of the Endangered Species Act of 1973, as amended (ESA) (16 U.S.C. 1531 *et seq.*) and the Marine Mammal Protection Act of 1972, as amended (MMPA) (16 U.S.C. 1361 *et seq.*). This consultation has been assigned Service Log Number 4-1-05-PL-12600.

The Manatee Key is a tool that has been used by the Corps' Regulatory Division since 1992 to assist in making its effect determinations, as required under 50 CFR 402.14(a), on permit applications for in-water activities such as, but not limited to, maintenance dredging, the placement of fill material for shoreline stabilization, the construction or placement of other in-water structures, as well as the construction of docks, marinas, boat ramps, boat slips, dry storage or any other watercraft access structures or facilities.

Since January 2005, the Service has worked closely with the Corps on revising the January 2001 version of the Manatee Key and its associated maps. Many of the changes to the January 2001 key were made to ensure consistency with the eventual implementation of Interim II, the watercraft access review process co-developed by the Florida Fish and Wildlife Conservation Commission and the Service.

We have examined the July 2005 version of the Manatee Key along with its attachments and agree with its structure and content. Therefore, for all future applications analyzed with the July 2005 version of the Manatee Key in which the Corps reaches a "may affect, not likely to adversely affect" determination with respect to the manatee and/or its designated critical habitat, the Service hereby concurs with those determinations in accordance with 50 CFR 402.14(b)(1). As such, the January 2001 version of the Manatee Key and its attachments, as well as other earlier versions of the Manatee Key, are no longer applicable as a regulatory planning tool.

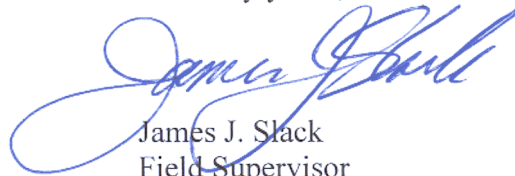


The Service does not anticipate the proposed action will result in the incidental take of manatees. Furthermore, the Service is not including an incidental take authorization for marine mammals at this time because the incidental take of marine mammals is not expected to occur and has not been authorized under section 101(a)(5) of the MMPA and/or its 1994 Amendments. Following issuance of such regulations or authorizations, the Service may reinstate consultation to include an incidental take statement for marine mammals, if deemed appropriate.

This concurrence letter fulfills the requirements of section 7 of the ESA and no further action is required. If modifications are made to the project, if additional information involving potential effects to listed species becomes available, or if a new species is listed or new critical habitat is designated that may be affected by the project, then reinitiation of consultation may be necessary.

This concurrence letter represents the collective assessment of the July 2005 version of the Manatee Key and its attachments from the Service's three field offices in Florida: Panama City, North Florida, and South Florida. If you have any questions or concerns about this consultation, please feel free to contact Kalani Cairns of this office at 772-562-3909, extension 240.

Sincerely yours,



James J. Slack  
Field Supervisor  
South Florida Ecological Services Office

cc:

Service, Atlanta, Georgia (Dave Flemming)  
Service, Jacksonville, Florida (Dave Hankla)  
Service, Panama City, Florida (Gail Carmody)